

## Hingtgen, Robert J

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**Subject:** RE: comments for El Monte Valley Sand mining

**From:** Robin Pawl [<mailto:robinpawl@nethere.com>]

**Sent:** Monday, September 14, 2015 12:28 PM

**To:** Bennett, Jim

**Cc:** Jacob, Dianne; Cox, Greg; Roberts, Dave; Roberts, Ron; Horn, Bill; Fitzpatrick, Lisa

**Subject:** comments for El Monte Valley Sand mining

I am opposed to the El Monte Valley strip sand mining project. The biodiversity would be destroyed along with the lives of many organisms. Below is a partial list of just birds that live in the El Monte Valley. They are protected under the Migratory Bird Treaty Act of 1918. I personally have seen all of these species of birds in the valley. None of them can live in a pond.

Migratory birds tend to return to their known sites. Destruction of the habitats they need threatens their survival. How can birds from a large area be forced into a smaller area? Competition for food and resources will be too steep for them all to survive.

How will the sand mining effect these birds?

Some are seasonal residents. Surveys of their presence and numbers must be made at the appropriate time of year to get an accurate measure.

How can the project proceed when the habitats of these birds are protected by the Migratory Bird Treaty Act of 1918?

Migratory birds may seek respite within trees or on buildings considered private property.

The **Migratory Bird Treaty Act of 1918** prohibits the removal of all listed species or their parts (feathers, eggs, nests, etc.) from such property. However, in extreme circumstances, a federal permit might be obtained for the relocation of listed species (in some states a state permit is required *in addition* to a federal permit). Pursuant to the spirit of the treaty, it is not trivial to obtain a permit; the applicant must meet a certain criteria as outlined in Title 50, Code of Federal Regulations, 21.27, Special Purpose Permits.<sup>[8]</sup>

The permit applicant is generally a contractor who specializes in wildlife relocation. When hiring a contractor to trap and relocate any animal from one's property, the private property owner is well advised to attain proof of such permits before any trapping activity begins, as trapping without the necessary paperwork is common in the United States.

Most wildlife management professionals consider relocation actions undue harm to the birds, particularly since relocated birds (being migratory) often return to the same property the next year. In the case of trapping and relocation, *harm* is brought on by or can result in:

- *Breaking*, a term describing increased susceptibility to disease brought on by the stress of capture and relocation

- Difficulty in establishing territory at the new location
- Separation of family members and the stunting of juveniles' natural progression into adulthood
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[https://en.wikipedia.org/wiki/Migratory\\_Bird\\_Treaty\\_Act\\_of\\_1918](https://en.wikipedia.org/wiki/Migratory_Bird_Treaty_Act_of_1918)

A partial list of birds protected under the Migratory Bird Treaty Act that live in El Monte Valley:

Western Bluebird, *Sialia mexicana*  
 White-breasted Nuthatch, *Sitta carolinensis*  
 CROW, American, *Corvus*  
 Mourning Dove, *Zenaida macroura*  
 Great Egret, *Ardea alba*  
 House Finch, *Carpodacus mexicanus*  
 Northern Flicker, *Colaptes auratus*  
 Lesser Goldfinch, *Spinus psaltria*  
 Great-tailed Grackle, *Quiscalus mexicanus*  
 GROSBEAK, Black-headed, *Pheucticus melanocephalus*  
 Cooper's Hawk, *Accipiter cooperii*  
 Red-shouldered Hawk, *Buteo lineatus*  
 Red-tailed Hawk, *Buteo jamaicensis*  
 Anna's Hummingbird, *Calypte anna*  
 Costa's Hummingbird, *Calypte costae*  
 Ruby-throated Hummingbird, *Archilochus colubris*  
 Rufous Hummingbird, *Selasphorus rufus*  
 KESTREL, American, *Falco sparverius*  
 KILLDEER, *Charadrius vociferus*  
 Western Kingbird, *Tyrannus verticalis*  
 White-tailed Kite, *Elanus leucurus*  
 Western Meadowlark, *Sturnella neglecta*  
 Northern Mockingbird, *Mimus polyglots*  
 White-breasted Nuthatch, *Sitta carolinensis*  
 Bullock's Oriole, *Icterus bullockii*  
 Hooded Oriole, *Icterus cucullatus*  
 OWL, Barn, *Tyto alba*  
*etc., etc.....*

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